

WILMERHALE

September 30, 2014

Noah Levine

By ECF

+1 212 230 8875 (t)
+1 212 230 8888 (f)
noah.levine@wilmerhale.com

Honorable Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square, Room 240
New York, NY 10007

Re: *Adkins et al. v. Morgan Stanley et al.*, No. 1:12-cv-7667 (VEC) (GWG)

Your Honor:

Defendants in the above-captioned matter intend to file a *Daubert* motion regarding Professor Patricia A. McCoy's expert opinions and a portion of Dr. Ian Ayres' expert opinion, which were submitted in support of Plaintiffs' motion for class certification (Dkt. Nos. 130 and 131). The parties have conferred regarding scheduling for briefing on Defendants' intended motion and jointly submit this proposed briefing schedule:

- Defendants shall file their *Daubert* motion and opening brief in support of their motion by Wednesday, November 5, 2014;
- Plaintiffs shall file their opposition to Defendants' *Daubert* motion by Wednesday, November 26, 2014; and
- Defendants shall file their reply in further support of their *Daubert* motion by Wednesday, December 10, 2014.

The parties agreed to propose the above schedule to allow for Plaintiffs to submit their brief in opposition to the *Daubert* motion on the same day that they submit their reply brief in further support of their motion for class certification (*i.e.*, November 26, 2014).

Respectfully submitted,

/s/ Noah A. Levine

Noah A. Levine
Wilmer Cutler Pickering Hale and Dorr LLP
7 World Trade Center
250 Greenwich Street
New York, NY 10007
Attorneys for Defendants Morgan Stanley et al.

/s/ Laurence M. Schwartztol

Laurence M. Schwartztol
American Civil Liberties Union
125 Broad Street
18th Floor
New York, NY 10004
Attorneys for Plaintiffs Adkins et al.

WILMERHALE

Honorable Valerie E. Caproni
September 30, 2014
Page 2

cc: Plaintiffs' counsel (via ECF)